

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GRACE MILES,

Plaintiff,

v.

ROYCE MAKISHIMA, et al.,

Defendants.

No. C-06-1295 MMC

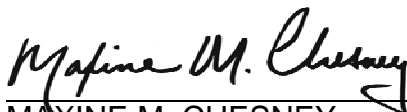
**ORDER STRIKING THIRD AMENDED  
COMPLAINT WITHOUT PREJUDICE**

On September 5, 2006, plaintiff filed a Third Amended Complaint. Because defendants have filed an answer, however, plaintiff must obtain written consent of the parties or leave of court before amending her complaint. See Fed. R. Civ. P. 15(a). Because plaintiff failed to file a stipulation of the parties, or to seek permission from the Court, prior to filing her Third Amended Complaint, the filing of said complaint was in violation of Rule 15(a).

Accordingly, the Third Amended Complaint is hereby STRICKEN from the record without prejudice to plaintiff's obtaining a stipulation from the parties, or seeking an order from the Court, permitting such complaint to be filed.

**IT IS SO ORDERED.**

Dated: September 5, 2006

  
MAXINE M. CHESNEY  
United States District Judge